



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/088,737	06/02/1998	RYUZO KOANA	862.2339	2096

5514 7590 04/24/2003

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

POON, KING Y

ART UNIT PAPER NUMBER

2624

DATE MAILED: 04/24/2003

24

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	09088737	FILED DATE		ATTORNEY DOCKET NO.	
EXAMINER				Poon	
ART UNIT		PAPER NUMBER			
2624		24			
DATE MAILED:					

Below is a communication from the EXAMINER in charge of this application

• COMMISSIONER OF PATENTS AND TRADEMARKS

### ADVISORY ACTION

☒ THE PERIOD FOR RESPONSE:

- a) ☐ is extended to run \_\_\_\_\_ or continues to run \_\_\_\_\_ from the date of the final rejection
- b) ☒ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☐ Appellant's Brief is due in accordance with 37 CFR 1.192(a).

☒ Applicant's response to the final rejection, filed 4/8/2003 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. ☐ The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:
- a. ☐ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
  - b. ☐ They raise new issues that would require further consideration and/or search. (See Note).
  - c. ☐ They raise the issue of new matter. (See Note).
  - d. ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
  - e. ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE:

2. ☐ Newly proposed or amended claims \_\_\_\_\_ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3. ☒ Upon the filing an appeal, the proposed amendment ☒ will be entered ☐ will not be entered and the status of the claims will be as follows:

Claims allowed: \_\_\_\_\_

Claims objected to: \_\_\_\_\_

Claims rejected: 36-47

However;

☒ Applicant's response has overcome the following rejection(s): 112 first paragraph rejection on claims 36-47

4. ☒ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because: See attachment

5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.

☐ Other

*Gabriel Garcia*


GABRIEL GARCIA  
PRIMARY EXAMINER

Art Unit: 2624

**Attachment**

With respect to applicant's argument that Lobiondo does not teach limiting selection conditions, which are associated with printing and capable being designated by an operator, within a range such that at least one of the plurality of image output apparatuses satisfied a selection condition to be designated by an operator, has been considered.

In reply: Fig. 7, shows at least a selection condition- image shift. The range for the image shift is from off to image shift. (Column 7, line 44). Since the output apparatus would either perform an image shift or not perform an image shift, the output apparatus must satisfy a selection condition of image shift within the range of on or off that is selected by an operator.

  
GABRIEL GARCIA  
PRIMARY EXAMINER